



JON M. HUNTSMAN, JR.  
Governor  
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Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

MICHAEL R. STYLER  
Executive Director

JERRY D. OLDS  
State Engineer/Division Director

#### STATE OF UTAH DIVISION OF WATER RIGHTS

DIVISION OF WATER RIGHTS,  
JERRY D. OLDS  
STATE ENGINEER,

Claimant

v.

Terry & Audrey Behling,

Respondent.

#### MEASURING DEVICE NOTICE

No. SEAA 1126

TO: Terry & Audrey Behling:

Gerry Hoyt, water commissioner, has indicated it is difficult to regulate and measure the flows at your diversion the staff gauge at the measuring device has corroded and is unreadable.

Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

**"Every person using water in this state shall construct or install and maintain a substantial head gate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. Such controlling works or measuring device shall be of such design as the state engineer may approve and so that the same can be locked and kept set by him or his assistants... If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct such headgates, caps, valves, flumes or measuring devices after thirty days notice to do so by the state engineer, the state engineer may forbid the use of water until the user thereof shall comply with this requirement, or the state engineer may proceed to construct or install or cause to be installed such controlling works or measuring devices, and the cost of the same shall be a lien against the lands and water rights served thereby, and the state engineer is authorized to bring such action in the name of the state to foreclose such lien."**

**A measuring device must have a readable staff gauge in order to function properly, therefore, you are hereby notified that a new staff gauge must be installed at your measuring device prior to June 1, 2006.**

Staff gauges may be obtained from the following suppliers:

Harward Irrigation Systems  
Chad Condie  
940 South 2000 West  
Spanish Fork, UT 84660  
(801) 798-7454

Your measuring device will be inspected for compliance. If it is not in compliance, a Order to Cease the Use of Water will be issued from the State Engineer. If such an order is issued, the diversion will be tagged, closed, and locked by the water commissioner. Tampering with a diversion after it has been regulated and tagged by a water commissioner is a violation enforceable by the State Engineer under Sections 73-2-25 and 73-2-26 of the Utah Code Annotated, 1953 as amended.

Thank you for your cooperation in attending to this matter in a timely manner. If you have any questions concerning this notice, please contact Mike Silva by phone at 801-538-7430 or by e-mail at [MikeSilva@Utah.Gov](mailto:MikeSilva@Utah.Gov) or Kurt Vest, Regional Engineer, by phone at (435) 586-4231 or by e-mail at [KurtVest@utah.gov](mailto:KurtVest@utah.gov).

Dated this 5 day of May, 2006

*Mike Silva for*

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Lee H. Sim, P.E.  
Assistant State Engineer  
Presiding Officer  
For  
Jerry Olds, P.E.  
State Engineer

cc: Kurt Vest, Regional Engineer  
Gerry Hoyt, Water Commissioner